

04/17/01
1000 U.S. PTO
09/837337

04-19-01
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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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1000 U.S. PTO
09/837337
04/17/01

UTILITY PATENT APPLICATION TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 005158.P004X
(maximum 12 characters)

First Named Inventor Xiaodong Li, et al

Title: OFDMA WITH ADAPTIVE SUBCARRIER-CLUSTER CONFIGURATION AND SELECTIVE LOADING

Express Mail Label No. EL627534019US

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. **Fee Transmittal Form (e.g., PTO/SB/17)**
(Submit an original, and a duplicate for fee processing)
2. **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3. **Specification (Total Pages 58)**
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. **Drawings(s) (35 USC 113) (Total Sheets 7)**
5. **Oath or Declaration (Total Pages 5)**
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)
 - i. **DELETIONS OF INVENTOR(S)** Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. Unsigned.
6. **Application Data Sheet. (37 CFR 1.76)**
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & documents(s))
10. a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
 b. Power of Attorney
11. English Translation Document (if applicable)
12. a. Information Disclosure Statement (IDS)/PTO-1449
 b. Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: _____

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)
Of Prior Application No.: 09/738,086 Examiner Not yet assigned Group Art Unit Not yet assigned
(which is a continuation/ divisional/ CIP of prior application no. _____,
which is a continuation/ divisional/ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that _____ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. _____ Frame No. _____ (or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label _____
or _____ (Insert Customer No. or Attach Bar Code Label here)

Correspondence Address Below

NAME Michael J. Mallie

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

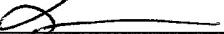
ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): Michael J. Mallie Registration No.: 36,591

Signature:  Date: April 17, 2001

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

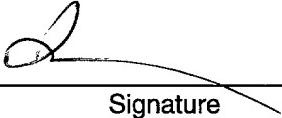
First Named Inventor Xiaodong Li, et al
Title OFDMA WITH ADAPTIVE SUBCARRIER-CLUSTER CONFIGURATION AND SELECTIVE LOADING

Attorney Docket No. 005158.P004X

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

April 17, 2001

Date



Signature

Michael J. Mallie

Typed or Printed Name

36,591

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(ii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

FEE TRANSMITTAL FOR FY 2001**TOTAL AMOUNT OF PAYMENT (\$)** 908.00**Complete if Known:**Application No. Not yet assignedFiling Date Not yet assignedFirst Named Inventor Xiaodong Li, et al.Group Art Unit Not yet assignedExaminer Name Not yet assignedAttorney Docket No. 005158.P004X**METHOD OF PAYMENT** (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
 Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed: Check
 Credit Card
 Money Order
 Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity			
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	<u>Fee Description</u>
101	710	201	355	Utility application filing fee
106	320	206	160	Design application filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional application filing fee

SUBTOTAL (1) \$ 710.00**2. EXTRA CLAIM FEES**

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>31</u>	<u>- 20** = 11</u>	<u>X 18.00 = 198.00</u>
Independent Claims	<u>3</u>	<u>- 3** = 0</u>	<u>X 80.00 = </u>
Multiple Dependent			<u>= </u>

**Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

	Fee	Fee	Fee	Fee	<u>Fee Description</u>
Code	(\$)	Code	(\$)		
103	18	203	9		Claims in excess of 20
102	80	202	40		Independent claims in excess of 3
104	270	204	135		Multiple dependent claim, if not paid
109	80	209	40		**Reissue independent claims over original patent
110	18	210	9		**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 198.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
105	130	205	Surcharge - late filing fee or oath
127	50	227	Surcharge - late provisional filing fee or cover sheet
139	130	139	Non-English specification
147	2,520	147	For filing a request for ex parte reexamination
112	920*	112	Requesting publication of SIR prior to Examiner action
113	1,840*	113	Requesting publication of SIR after Examiner action
115	110	215	Extension for reply within first month
116	390	216	Extension for reply within second month
117	890	217	Extension for reply within third month
118	1,390	218	Extension for reply within fourth month
128	1,890	228	Extension for reply within fifth month
119	310	219	Notice of Appeal
120	310	220	Filing a brief in support of an appeal
121	270	221	Request for oral hearing
138	1,510	138	Petition to institute a public use proceeding
140	110	240	Petition to revive – unavoidable
141	1,240	241	Petition to revive - unintentional
142	1,240	242	Utility issue fee (or reissue)
143	440	243	Design issue fee
144	600	244	Plant issue fee
122	130	122	Petitions to the Commissioner
123	50	123	Processing fee under 37 CFR 1.17(q)
126	180	126	Submission of Information Disclosure Stmt
581	40	581	Recording each patent assignment per property (times number of properties)
146	710	246	For filing a submission after final rejection (see 37 CFR 1.129(a))
149	710	249	For each additional invention to be examined (see 37 CFR 1.129(b))
179	710	279	Request for Continued Examination (RCE)
169	900	169	Request for expedited examination of a design application
195	300	195	Publication fee for early, voluntary, or normal publication
196	300	196	Publication fee for republication
194	130	194	Request for voluntary publication or republication
098	130	098	Processing fee under 37 CFR 1.17(i)
091	1,240	091	Acceptance of unintentionally delayed claim for priority

Other fee (specify) _____

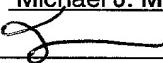
Other fee (specify) _____

SUBTOTAL (3) \$ 0

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Michael J. Mallie

Signature:  Date: April 17, 2001

Reg. Number: 36,591 Telephone Number: 408-720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL62753401945
Date of Deposit: 4/17/01

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Mara E. Brown

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

4/001

(Date signed)

Serial/Patent No.: ********* Filing/Issue Date: *********
 Client: **Broadstorm Telecommunications**
 Title: **OFDMA WITH ADAPTIVE SUBCARRIER-CLUSTER CONFIGURATION
AND SELECTIVE LOADING**
 BSTZ File No.: **005158.P004X** Atty/Secty Initials: **MJM/mzb**
 Date Mailed: **04/17/01** Docket Due Date: *********
 The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:
 Amendment/Response (pgs.)
 Appeal Brief (pgs.) (in triplicate)
 Application - Utility (pgs., with cover and abstract)
 Application - Rule 1.53(b) Continuation (pgs.)
 Application - Rule 1.53(b) Divisional (pgs.)
XX Application - Rule 1.53(b) CIP (**58** pgs.)
 Application - Rule 1.53(d) CPA Transmittal (pgs.)
 Application - Design (pgs.)
 Application - PCT (pgs.)
 Application - Provisional (pgs.)
 Assignment and Cover Sheet
XX Certificate of Mailing
 Declaration & POA (**5** pgs.) **unsigned**
 Disclosure Docs & Org & Cpy of Invenots Signed Letter (pgs.)
XX Drawings: **4** # of sheets includes **14** figures
 Express Mail No.: **EL627534019 US** Check No. **42240**
 _____ Month(s) Extension of Time Amt: **\$908.00**
 Information Disclosure Statement & PTO-144B (pgs.) Check No. _____
 Issue Fee Transmittal Amt: _____
 Notice of Appeal
 Petition for Extension of Time
 Petition for _____
XXX Postcard
 Power of Attorney (pgs.)
 Preliminary Amendment (pgs.)
 Reply Brief (pgs.)
 Response to Notice of Missing Parts
 Small Entity Declaration for Indep. Inventor/Small Business
 Transmittal Letter, **XXXXXX**
XX Fee Transmittal, in duplicate

XXOther: Request and Certification.